HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 16250 of 2001

Between:

Tupakula Muthyalamma

... Petitioner

And

The Election Officer/Presiding Officer,
Mandal Parishad, Ozili, Nellore District

... Respondent

:: O R D E R ::

Counsel for the petitioner : Shri N. Bhavani Sanker
for Shri K.S. Murthy

September 12, 2007

In this petition, the petitioner has prayed for quashing order dated 01.08.2001 passed by the Presiding Officer, Mandal Parishad, Ozili, Nellore District.

Shri N. Bhavani Sanker appearing for Shri K.S. Murthy, learned counsel for the petitioner says that the writ petition has become infructuous and the same may be disposed of as such. Ordered accordingly.

As a sequel to disposal of the writ petition as infructuous, interim order dated 07.08.2001 is vacated and W.P.M.P.No.20344 of 2001 is dismissed.

G.S. SINGHVI, CJ

September 12, 2007

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HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

–

Writ Petition No. 19270 of 2007

Between:

A. Ram Mohan Raju

… Petitioner

And

Hyderabad Urban Development Authority,
Rep. by its Vice-Chairman, Hyderabad & another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V.V.N. Chary

September 11, 2007

Per G.S. SINGHVI, CJ

The petitioner, who is engaged in construction business, prayed for restraining Hyderabad Urban Development Authority from auctioning the land demarcated as parks and public amenities.

At the hearing, Shri V.V.N. Chary, learned counsel for the petitioner gave out that his client filed this petition by way of public interest litigation. According to him, the petitioner is seeking quashing of the auction because if he participates in the auction proposed to be held by Hyderabad Urban Development Authority in the lay out for Madapur, there is likelihood of the auction getting entangled in litigation and in that event he may not get refund of the earnest money deposit. In our opinion, a preemptive petition like the present one cannot be entertained for restraining a public authority from undertaking auction of the land.

With the above observation, the writ petition is dismissed leaving the petitioner free to participate in the auction, if any to be held by

Hyderabad Urban Development Authority and take chance of being successful bidder.

While dismissing the writ petition, we make it clear that by a separate order passed today in Writ Petition No. 19277 of 2007, the Court has restrained the respondents from auctioning the land adjacent to plot Nos. 15/1 and 15/2 in the lay out plans of HUDA Techno, Madhapur.

As a sequel to dismissal of the writ petition, W.P.M.P.No.24771 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

September 11, 2007
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